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ACTION AF-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	SRPP-00	DS-00	EB-00	EUR-00	VC-00	H-01	TEDE-00
	INR-00	IO-00	LAB-01	L-00	VCE-00	AC-01	NSAE-00
	OIC-02	OMB-01	OPIC-01	PA-00	PC-01	PM-00	PRS-00
	ACE-00	P-00	SP-00	IRM-00	SSO-00	STR-00	TRSE-00
	USIE-00	PMB-00	DSCC-00	PRM-00	DRL-02	G-00	NFAT-00
	SAS-00	SWCI-00	/010W				

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FM AMEMBASSY HARARE
TO SECSTATE WASHDC IMMEDIATE 0604
INFO NSC WASHDC IMMEDIATE
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
AMEMBASSY NAIROBI

C O N F I D E N T I A L SECTION 01 OF 03 HARARE 003813

SIPDIS

NSC FOR SENIOR AFRICA DIRECTOR JENDAYI FRAZER
LONDON FOR CHARLES GURNEY
PARIS FOR CHARLES NEARY
NAIROBI FOR TERRY PFLAUMER

E.O. 12958: DECL: 12/21/11

TAGS: [PGOV PHUM ZI](#)

SUBJECT: ZIMBABWE PARLIAMENT POSTPONES PASSAGE OF
REPRESSIVE LEGISLATION

REF: HARARE 3690

CLASSIFIED BY POLITICAL OFFICER TODD FAULK FOR REASONS:
1.5 (B) AND (D).

[1](#). (C) SUMMARY: ON DECEMBER 20, THE ZIMBABWE PARLIAMENT
ADJOURNED FOR THE HOLIDAYS WITHOUT PASSING KEY
LEGISLATION DESIGNED TO TILT THE ELECTORAL PLAYING FIELD
IN FAVOR OF THE RULING PARTY. THE GENERAL LAWS
AMENDMENT BILL, WHICH INCLUDES SUBSTANTIAL AMENDMENTS TO
THE ELECTORAL ACT, THE PUBLIC ORDER AND SECURITY BILL,
AND THE ACCESS TO INFORMATION BILL, HAD BEEN HELD UP IN
THE PARLIAMENTARY LEGAL COMMITTEE (PLC). EDDISON
ZVOBGO, THE ZANU-PF MP WHO CHAIRS THE PLC, TOLD
AMBASSADOR SULLIVAN DECEMBER 20 THAT THE PENDING
LEGISLATION HAS SERIOUS CONSTITUTIONAL FLAWS, AND
ADVERSE REPORTS WOULD LIKELY BE ISSUED. AN ADVERSE
REPORT ON THE LABOR RELATIONS AMENDMENT BILL, WHICH
WOULD PLACE MAJOR RESTRICTIONS ON LABOR STRIKES, IS
ALREADY DUE TO BE TABLED. PARLIAMENT WILL RECONVENE ON
JANUARY 8 TO TAKE UP THE LEGISLATION AGAIN. ZANU-PF'S
LEGAL STRATEGY TO HEM IN THE OPPOSITION BEFORE THE
PRESIDENTIAL ELECTION HAS HIT A SNAG IN THE PERSON OF
EDDISON ZVOBGO, ONE OF MUGABE'S MOST RECALCITRANT
CRITICS. END SUMMARY.

DRACONIAN LEGISLATION DEFERRED

[1](#)2. (C) PARLIAMENT ADJOURNED DECEMBER 20 WITHOUT PASSING
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THE DRACONIAN PUBLIC ORDER AND SECURITY BILL (POSB), THE
GENERAL LAWS AMENDMENT BILL (WITH ITS ELECTORAL ACT
AMENDMENTS), OR THE ACCESS TO INFORMATION BILL,
ACCORDING TO TSITSI TAWAMBA, WHO HEADS THE PAPERS OFFICE
IN PARLIAMENT. DESPITE ATTEMPTS BY ZANU-PF TO BULLDOZE
THE BILLS THROUGH THE HOUSE OF ASSEMBLY BEFORE THE
CHRISTMAS HOLIDAY, THE RULING PARTY RAN OUT OF TIME, AND
THEY WERE DEFERRED UNTIL PARLIAMENT RECONVENES ON
JANUARY 8. PART OF THE HOLD UP WAS DUE TO LATE-NIGHT
FLOOR DEBATE FROM THE OPPOSITION ON THE ELECTORAL ACT
AMENDMENTS DURING THE DECEMBER 18 AND 19 SESSIONS.
MINISTER OF JUSTICE PATRICK CHINAMASA AND MDC LEGAL
AFFAIRS SECRETARY DAVID COLTART PUT TO THE FLOOR
ADDITIONAL AMENDMENTS ON DECEMBER 19 DESIGNED TO
AMELIORATE THE OPPOSITION'S CONCERNS.

SOME GOOD, SOME BAD IN ELECTORAL AMENDMENTS

[1](#)3. (C) SURPRISINGLY, CHINAMASA'S PROPOSED CHANGES WOULD
GIVE MORE POWER TO THE RELATIVELY TOOTHLESS ELECTORAL
SUPERVISORY COMMISSION (ESC). THE MAIN CHANGES WOULD:

-- GIVE THE ESC THE AUTHORITY TO ACCREDIT MONITORS, IN

ADDITION TO ITS CURRENT POWER TO APPOINT AND DEPLOY THEM

-- GIVE THE ESC THE AUTHORITY TO APPOINT THE OBSERVERS' ACCREDITATION COMMITTEE, A POWER CURRENTLY ENJOYED BY THE GOVERNMENT-BACKING REGISTRAR-GENERAL. THE COMMITTEE WOULD ACCREDIT INTERNATIONAL OBSERVERS INVITED TO

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ZIMBABWE BY THE FOREIGN MINISTER.

-- ALLOW UP TO THREE INTERNATIONAL OBSERVERS TO ENTER OR REMAIN IN ANY POLLING STATION AND BE PRESENT FOR THE COUNTING OF VOTES AT A COUNTING CENTER

14. (C) HOWEVER, CHINAMASA'S AMENDMENTS EXPAND ON, RATHER THAN REPEAL, THE PROOF OF RESIDENCY REQUIREMENTS FOR NEW VOTER REGISTRANTS. THEY ESSENTIALLY WOULD CODIFY THE HIGH COURT'S RECENT RULING PROVIDING FOR GREATER FLEXIBILITY IN THE TYPES OF DOCUMENTS NEW REGISTRANTS WOULD BE REQUIRED TO PRESENT. AMONG THE DOCUMENTS ALLOWED WOULD BE: 1) ELECTRICITY OR WATER BILLS, 2) LETTER FROM A LANDLORD, 3) SWORN STATEMENT FROM AN EMPLOYER, 4) A POST-MARKED ENVELOPE BEARING THE REGISTRANT'S ADDRESS, OR 5) A VERBAL OR WRITTEN STATEMENT FROM THE LOCAL CHIEF OR HEADMAN.

15. (C) DESPITE A FEW POSITIVE CHANGES PROPOSED BY CHINAMASA, THE GENERAL LAWS AMENDMENT ACT, WHICH AMONG MINOR REVISIONS TO MORE THAN THREE DOZEN OTHER LAWS, SUBSTANTIALLY AMENDS THE ELECTORAL ACT TO DO THE FOLLOWING:

-- CLARIFY THE ROLES OF THE MYRIAD GOZ BODIES THAT

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	SAS-00	SWCI-00	/010W				

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FM AMEMBASSY HARARE
TO SECSTATE WASHDC IMMEDIATE 0605
INFO NSC WASHDC IMMEDIATE
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
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OVERSEE AND RUN ELECTIONS

-- DEFINE THE PROCEDURES AND CODES OF CONDUCT GOVERNING DOMESTIC ELECTION MONITORS AND INTERNATIONAL OBSERVERS

-- RESTRICT VOTER EDUCATION TO THE ESC OR TO ORGANIZATIONS THAT IT APPOINTS AND REGISTERS,

-- GIVE THE REGISTRAR-GENERAL GREATER POWERS TO AMEND THE VOTERS' ROLL
-- REPEAL THE SECTION PERMITTING ABSENTEE BALLOTS EXCEPT FOR MEMBERS OF THE DIPLOMATIC CORPS AND MILITARY

-- RESTRICT THE PLACEMENT OF POLITICAL POSTERS.

ZVBGO HOLDS UP BILLS IN COMMITTEE

16. (C) ZANU-PF MP FOR MASVING SOUTH AND CHAIR OF THE PARLIAMENTARY LEGAL COMMITTEE (PLC) TOLD AMBASSADOR SULLIVAN AND POLOFF DECEMBER 20 THAT THE POSB, ELECTORAL

ACT AMENDMENT AND ACCESS TO INFORMATION BILL HAVE
SERIOUS CONSTITUTIONAL FLAWS. THE POSB, IN PARTICULAR,
WOULDCLEARLY VIOLATE THE CONSTITUTION OF ZIMBABWE. HIS
COMMITTEE, WHICH REVIEWS EVERY PIECE OF LEGISLATION FOR
ITS CONSTITUTIONALITY, IS LIKELY TO ISSUE ADVERSE
REPORTS ON EACH OF THEM. HOWEVER, ZVOBGO SAID THE PLC
HAS NOT HAD ENOUGH TIME TO GIVE THE BILLS THE CAREFUL
REVIEW THEY REQUIRE. HE TOLD THE AMBASSADOR HE WAS
GOING TO INSIST THAT THE PLC BE GIVEN THE FULL 18 DAYS
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IT NORMALLY HAS TO CONSIDER LEGISLATION. (NOTE: THE
ADJOURNMENT OF PARLIAMENT TO JANUARY 8 WOULD GIVE THE
PLC 19 DAYS, INCLUDING HOLIDAYS. END NOTE.) ACCORDING
TO TAWAMBA, THE PLC HAS ISSUED A ADVERSE REPORT ON THE
LABOR RELATIONS AMENDMENTBILL, WHICH WOULD ALLOW THE
GOZ TO BAN NEARLY ALL TYPES OF LABOR ACTIONS, BUT THAT
THE REPORT WASNOT TABLED BEFORE PARLIAMENT.

THE SPEAKER SOUNDS OUT ON BILLS

17. (C) SPEAKER OF PARLIAMENT EMMERSON MNANGAGWA TOLD
THE AMBASSADOR DECEMBER 21 THAT THE ZANU-PF CAUCUS HAD
NOT GONE ALONG WITH AN ALTERATION IN ELECTORAL
AMENDMENTS TO PERMIT NGO ELECTION MONITORS ALONGSIDE
PUBLIC SERVANTS (REFTEL). HE CLAIMED THAT THE MDC IN
THE END ACCEPTED THIS FORMULATION. MNANGAGWA SAID THAT
NONE OF THE DELAYED PIECES OF LEGISLATION WOULD BE
APPROVED DURING THE PARLIAMENTARY ADJOURNMENT. HE
INDICATED, AS WELL, THAT HE HOPED THAT THE SO-CALLED
"ACCESS TO INFORMATION" BILL WOULD NEVER BE PASSED AND
VOICED HIS DISDAIN FOR INFORMATION MINISTER JONATHAN
MOYO. MNANGAGWA ALSO PROMISED TO EXPLORE ADDITIONAL
AREAS OF CONCERN EXPRESSED BY THE AMBASSADOR: POLITICAL
VIOLENCE AND INTIMIDATION, THE "ILLOGICAL" PROHIBITION
OF FOREIGN FUNDING OF NGO VOTER EDUCATION, AND THE
POSSIBILITY OF FINDING A CONSENSUS CANDIDATE WITH THE
MDC OR THE SPEAKER'S NOMINEES TO THE ELECTORAL
SUPERVISORY COMMISSION.

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COMMENT

18. (C) ZVOBGO, WHO HAS BEEN ONE OF MUGABE'S MOST
RECALCITRANT CRITICS IN THE LAST YEAR, IS DOING WHAT HE
CAN TO SLOW DOWN THE RULING PARTY'S PASSAGE OF
REPRESSIVE LEGISLATION. THE FACT THAT PARLIAMENT
ADJOURNED FOR THE HOLIDAYS WITHOUT PASSING THE BILLS IS
TESTAMENT TO ZVOBGO'S LINGERING INFLUENCE IN PARLIAMENT,
AND SHOWS THAT ZANU-PF WAS UNABLE TO BULLDOZE
LEGISLATION PAST THE OPPOSITION SINCE WAS DONE EARLIER THIS
YEAR. HOWEVER, THIS TEMPORARY SNAG IN MUGABE'S
ELECTORAL STRATEGY IS LIKELY TO BE OVERCOME WHEN
PARLIAMENT RECONVENES NEXTMONTH SINCE ADVERSE REPORTS
HAVE BEEN IGNORED IN THE PAST. WITH THE PRESIDENTIAL
ELECTION LESS THAN THREE MONTHS AWAY, THE RULING PARTY
IS NOT LIKELY TO ALLOW CONSTITUTIONAL ISSUES STAND IN
ITS WAY. ON THE OTHER HAND, THE SPEAKER, AND TO A
LESSER EXTENT ZANU-PF, APPEAR MORE INTERESTED THAN
PREVIOUSLY IN DEMONSTRATING SOME FLEXIBILITY TOWARD
INTERNATIONAL, OPPOSITION, AND CIVIL SOCIETY CONCERNS.
END COMMENT.

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